
By: **Delegates Edwards and James**
Introduced and read first time: February 11, 2004
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Equine Activities - Immunity from Civil Liability**

3 FOR the purpose of limiting the civil liability of an equine activity sponsor or equine
4 professional who engages in certain equine activities under certain
5 circumstances; providing for certain exceptions; requiring certain notices by an
6 equine activity sponsor or equine professional; defining certain terms; providing
7 for the application of this Act; and generally relating to limiting civil liability for
8 certain equine activities.

9 BY adding to
10 Article - Courts and Judicial Proceedings
11 Section 5-427
12 Annotated Code of Maryland
13 (2002 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Courts and Judicial Proceedings**

17 5-427.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (2) (I) "DIRECTLY ENGAGES IN AN EQUINE ACTIVITY" MEANS RIDING,
21 TRAINING, DRIVING, OR BEING A PASSENGER ON AN EQUINE, WHETHER MOUNTED
22 OR UNMOUNTED.

23 (II) "DIRECTLY ENGAGES IN AN EQUINE ACTIVITY" DOES NOT
24 INCLUDE BEING A SPECTATOR AT AN EQUINE ACTIVITY OR PARTICIPATING IN AN
25 EQUINE ACTIVITY IN A MANNER NOT INCLUDED IN SUBPARAGRAPH (I) OF THIS
26 PARAGRAPH.

27 (3) "EQUINE" MEANS A HORSE, PONY, MULE, DONKEY, OR HINNY.

1 (4) "EQUINE ACTIVITY" MEANS:

2 (I) AN EQUINE SHOW, FAIR, COMPETITION, PERFORMANCE, OR
3 PARADE THAT INVOLVES AT LEAST ONE BREED OF EQUINE AND AT LEAST ONE OF
4 THE FOLLOWING EQUINE DISCIPLINES:

5 1. DRESSAGE;

6 2. HUNTER AND JUMPER HORSE SHOWS;

7 3. GRAND PRIX JUMPING;

8 4. 3-DAY EVENTS;

9 5. COMBINED TRAINING;

10 6. RODEOS;

11 7. DRIVING;

12 8. PULLING;

13 9. CUTTING;

14 10. POLO;

15 11. STEEPLECHASING;

16 12. ENDURANCE TRAIL RIDING AND WESTERN GAMES; AND

17 13. HUNTING;

18 (II) EQUINE TRAINING;

19 (III) TEACHING AN EQUINE PARTICIPANT;

20 (IV) BOARDING AN EQUINE;

21 (V) RIDING, INSPECTING, OR EVALUATING AN EQUINE BELONGING
22 TO ANOTHER WHETHER OR NOT THE OWNER OF THE EQUINE HAS RECEIVED
23 MONETARY CONSIDERATION OR ANY OTHER THING OF VALUE FOR THE USE OF THE
24 EQUINE OR IS ALLOWING A PROSPECTIVE BUYER OF THE EQUINE TO RIDE, INSPECT,
25 OR EVALUATE THE EQUINE; AND

26 (VI) A RIDE, TRIP, HUNT, OR OTHER ACTIVITY INVOLVING AN
27 EQUINE SPONSORED BY AN EQUINE ACTIVITY SPONSOR.

28 (5) "EQUINE ACTIVITY SPONSOR" MEANS A PERSON OR AN AGENT OF A
29 PERSON WHO, FOR PROFIT OR NOT FOR PROFIT, PROVIDES A FACILITY FOR OR
30 ORGANIZES AN EQUINE ACTIVITY, INCLUDING:

- 1 (I) PONY CLUBS;
- 2 (II) 4-H CLUBS;
- 3 (III) HUNT CLUBS;
- 4 (IV) RIDING CLUBS;
- 5 (V) CLASSES AND PROGRAMS SPONSORED BY A SCHOOL OR
6 COLLEGE;
- 7 (VI) THERAPEUTIC RIDING PROGRAMS; AND
- 8 (VII) OPERATORS, INSTRUCTORS, AND PROMOTERS OF AN EQUINE
9 FACILITY AT WHICH AN EQUINE ACTIVITY IS HELD, INCLUDING A:
- 10 1. STABLE;
- 11 2. CLUBHOUSE;
- 12 3. PONY RIDE STRING;
- 13 4. FAIR; AND
- 14 5. ARENA.

15 (6) "EQUINE PARTICIPANT" MEANS A PERSON WHO DIRECTLY ENGAGES
16 IN AN EQUINE ACTIVITY WHETHER OR NOT A FEE IS PAID TO PARTICIPATE IN THE
17 EQUINE ACTIVITY AND WHO IS:

- 18 (I) AT LEAST 15 YEARS OLD; OR
- 19 (II) UNDER THE AGE OF 15 YEARS AND HAS PERMISSION FROM THE
20 PERSON'S PARENT OR GUARDIAN TO ENGAGE IN THE EQUINE ACTIVITY.

21 (7) "EQUINE PROFESSIONAL" MEANS A PERSON OR THE PERSON'S
22 AGENT WHO FOR COMPENSATION:

- 23 (I) INSTRUCTS AN EQUINE PARTICIPANT;
- 24 (II) RENTS AN EQUINE TO AN EQUINE PARTICIPANT; OR
- 25 (III) RENTS EQUIPMENT OR TACK TO AN EQUINE PARTICIPANT.

26 (B) THIS SECTION DOES NOT APPLY TO A PERSON OR ACTIVITY GOVERNED
27 UNDER TITLE 11 OF THE BUSINESS REGULATION ARTICLE.

28 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN EQUINE
29 ACTIVITY SPONSOR OR EQUINE PROFESSIONAL IS NOT LIABLE FOR AN INJURY,
30 DEATH, OR OTHER LOSS OF AN EQUINE PARTICIPANT.

1 (D) THIS SECTION DOES NOT LIMIT THE LIABILITY OF AN EQUINE ACTIVITY
2 SPONSOR OR EQUINE PROFESSIONAL IF THE EQUINE ACTIVITY SPONSOR OR EQUINE
3 PROFESSIONAL:

4 (1) COMMITS AN ACT OR OMISSION THAT IS GROSSLY NEGLIGENT OR
5 CONSTITUTES WILLFUL OR WANTON DISREGARD FOR THE SAFETY OF THE EQUINE
6 PARTICIPANT AND THAT ACT OR OMISSION CAUSES THE INJURY, DEATH, OR OTHER
7 LOSS OF THE EQUINE PARTICIPANT;

8 (2) INTENTIONALLY CAUSES INJURY, DEATH, OR OTHER LOSS TO THE
9 EQUINE PARTICIPANT;

10 (3) KNOWINGLY PROVIDES FAULTY EQUIPMENT OR TACK AND THE
11 EQUIPMENT OR TACK CAUSES THE INJURY, DEATH, OR OTHER LOSS TO THE EQUINE
12 PARTICIPANT; OR

13 (4) FAILS TO PROVIDE NOTICE UNDER SUBSECTION (E) OF THIS SECTION
14 AND THE FAILURE TO PROVIDE THE NOTICE CAUSES AN INJURY, DEATH, OR OTHER
15 LOSS OF AN EQUINE PARTICIPANT.

16 (E) AN EQUINE ACTIVITY SPONSOR OR EQUINE PROFESSIONAL SHALL:

17 (1) POST A NOTICE OF THE LIMITATIONS ON LIABILITY UNDER THIS
18 SECTION IN A CLEARLY VISIBLE LOCATION ON OR NEAR THE AREA WHERE THE
19 EQUINE ACTIVITY SPONSOR OR THE EQUINE PROFESSIONAL CONDUCTS AN EQUINE
20 ACTIVITY; AND

21 (2) PRESENT FOR INSPECTION AND SIGNATURE TO EACH EQUINE
22 PARTICIPANT OR PROSPECTIVE EQUINE PARTICIPANT, A STATEMENT THAT CLEARLY
23 AND CONCISELY PROVIDES NOTICE OF THE LIMITATIONS ON LIABILITY UNDER THIS
24 SECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
26 construed to apply only prospectively and may not be applied or interpreted to have
27 any effect on or application to any cause of action arising before the effective date of
28 this Act.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2004.